6-29-07

[amd-aft=.exp] apostcard

OUR FILE:\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EXPRESS LABEL # ED 9 97 - 9 9 0 = 764 US DATE OF DEPOSIT: JUNE 26.

I hereby certify that this IS A PETITION TO NREVIVE AN ALLOWED, UNINTENTIONALLY ABANDONED APPLICATION, and includes: A Deposit Accourt ORDER FOR THE REVIAL FEE OF \$400.00 AND A \$1,000 Deposit Account OREDER FOR THE ISSUE FEE, concerning patent Application Ser ial No. 10 / 609,155, filed June 26, 2003. .Th is being sent by EXPRESS Mail, Post Office to Addressee" service under 37 CFR 1.01 on the date indicated above and is addressed to the Commissioner For Patents, Mail Stop PETITION

By: JoAnn Bates, Secretary (signature)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

MAIL STOP: PETITION

COMMISSIONER FOR PATENTS

BOX 1450 P.O.

ALEXANDRIA, VA 22313-1450

Honorable Sir:

ENCLOSED HEREWITH:

1. PROPOSED AMENDMENT AFTER NOTICE OF ALLOWANCE;

2.

3. DEPOSIT ACC.ORDER (in duplicate) FOR \$1,000.00 ISSUE FEE DUE;

4. This Acknowledgement postcard (self addressed and stamped);

5. Express Mail Confirmation Letter.

Respectfully submitted,

Marcus L. BATES By:

	2007	Application Number  Fiting Date  First Named Inventor  Art Unit  Examiner Name	Approved for use through 07/31/2006. OMB 0851-0031 stent and Trademark Office; U.S. DEPARTMENT OF COMMERCE ection of information unless it displays a valid OMB control number. 10/609,155  JUNE 26, 2003  JAMES D. MAHAN 3772  MICHAEL A. BROWN
Total Number of	of Pages in This Submission	Autorio y Docker Humber	NO. 903
F		ENCLOSURES (Check all I	
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Deposit	ee Attached = fee Acct Order	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences
Amendm	ent/Reply	X Petition Petition to Convert to a	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
I ()	After Final	Provisional Application Power of Attorney, Revocation	Proprietary Information
+ depo	Affidavits/declaration(s) osit acct.order	Change of Correspondence Ad	Idress Status Letter
	n of Time Request	Terminal Disclaimer	Other Enclosure(s) (please identify below):
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	1001 37 OF N 1.32 OF 1.33		
	SIGNA	TURE OF APPLICANT, ATTOR	NEY OR AGENT
Firm Name			
Signature	MARCUS L. BA	TES, PATENT LAW PRACTIC	E
Printed name	MARCUS L. BA	TES	
Date	MAY-26, 2007	JUNE 26, 2007 Re	g. No. 22-579
	C	ERTIFICATE OF EACH	XPRESS ED 997 990 764 US
I hereby certify the sufficient postage the date shown be	me evbress unter in the fall	eing facsimile transmitted to the USPTO ovelope addressed to: Commissioner for P	or deposited with the United States Postal Service with atents, P.O. Box 1450, Alexandria, VA 22313-1450 on
Signature Signature		en L Bato	JUNE 26, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

Date

MAY 26, 2007

MARCUS L. BATES

Typed or printed name

PTO/SB/64 (04-07) Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT #903 ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) First named inventor: James D. Mahan

Application No.: 10/609/155

Filed: June 26, 2003 3772 Michael A Brown Art Unit: Examiner: Title: Massage Table for Adjusting
Spinol area Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: √(1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. 1.Petition fee Small entity-fee \$ 400 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)) 2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in has been filed previously on \_\_\_\_\_ is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$\_\_\_\_\_ has been paid previously on \_\_\_\_\_\_\_\_.

Is enclosed herewith. - Dapos: + Acet Order

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



JAMES D. MAHAN

OUR FILE NO. \_903

[Petition.rtf] 06-25-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/609,155 Confirmation No. 7877

Applicant : JAMES D. MAHAN

Filed

: JUNE 26, 2003

For

MASSAGE TABLE FOR ADJUSTING SPINAL AREA

Examiner

: MICHAEL A. BROWN

Art Unit: 3772

Customer No :

PETITION TO REVIVE INADVERTENT AND UNINTENTIONAL

ABANDONED APPLICATION

UNDER 37 CFR 1.137(B) PTO/Sb/64

RESPONSE TO THE "NOTICE OF ABANDONMENT" DATED APRIL 26, 2007 (RECEIVED MAY 4, 2007)

Mail Stop: PETITION Commissioner of Patents

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

HONORABLE SIR: JUNE 26, 2007

Now comes Marcus L. Bates, your Petitioner, who does declare that he is the practitioner who prepared and prosecuted the above identified patent application that is the subject of this Petition.

That on February 28, 2007, the Issue Papers were prepared, [Exhibit #1, copy attached hereto], 12 days before the issue fee due date of March 12, 2007.

That prior to driving to the Odessa, Texas, U.S. Post Office for "Express Mailing" the required Issue papers and Deposit Account Order for payment of the Issue fee of \$1,000 to the Honorable Commissioner of Patents, I did discover that a typographical error, or oversight by the Patent Office, had neglected to include allowed Claims 10, 11, 12 and 13 in the Notice of Allowance and Issue Fee Due papers.

After discussing the several possible steps we should take with my wife, JoAnn Bates, who has assisted me as my highly trained (legal aid and office manager for over 42 years, we concluded that we had best select one of the following actions:

1. In as much as the Issue Papers were prepared for

mailing, along with all the additional papers required, we could have simply mailed everything, and included a letter to the Honorable Commissioner of Patents, stating that the Examiner had also allowed Claims 10 - 13 and that all 13 allowed claims should be included in the Issued Letters Patent, instead of only Claims 1 through 9, as improperly noted on the Issue Papers.

- 2. Alternatively, we could have simply "red ink corrected" the issue papers, changing the incorrect number of allowed Claims from 1 9 to Claims 1 13, and additionally placing a note in the issue papers stating my reason for this unusual correction, since all of this was on record and beyond question.
- 3. Another possible step we could select was to telephone Examiner, Mr. Michael Brown, and take advantage of his wisdom. This is the cure we elected to pursue for several reasons, among which are: The Examiner would likely cure the dilemma by Examiner's Amendment; or, He just might be able to come up with guidance superior to our thoughts.

Accordingly, on February 28, 2007, I telephoned Examiner Brown.

Examiner Brown was unavailable, so I telephoned his Superior, Mr. Gergory Hudon and explained the problem; whereupon

Mr Hudon said that he was no longer in Examiner Brown's division but that he would personally hand carry the message to Examiner Brown. I might have discussed the time constraint involved with Examiner Mr. Hudon, I simply do not remember that specific aspect of the conversation.

Sometime later, Ex Brown returned the call. I discussed each of the above possible solutions with Examiner Brown, and He told me:

- (1) that he could not carry out my suggested cure of the dilemma by Examiner's Amendment;
- (2) that I should not ink correct the issue papers;
- (3) that it would be necessary for him to send "new, corrected papers" to me.

Therefore, I was confident that sooner or later a new, corrected office action and issue papers would arrive in our mail. We often are as much as 10 days obtaining mail from the U.S. Patent Office so we realized that the lost motion involved would likely require several weeks, but with my understanding that new papers were on the way we would of necessity be granted additional time for response, along with a newly dated Notice of Allowance and Issue Fee Due Papers, both providing a new due date.

Instead, like a bolt of lightening from nowhere, a "Notice of Abandonment" (DATED APRIL 26, 07) arrived in the mail on MAY 5th, almost nine weeks after our conversation with Examiner Brown. We were shocked, but upon our study of the situation, it was almost to be expected, for a corrected Notice of Allowance and Issue Fee Due papers surely would arrive in due course, so we could relax and complete our task of getting the papers completed, for an Examiner in the US Patent Office has never let us down during our many years of patent practice and perhaps prosecuting close to 1,000 patent applications filed, most of which have issued as a U.S. Letters Patent.

I immediately telephoned Examiner Brown and was unable to get in touch with him, so we left a message, requesting that he call us as soon as possible. Examiner Brown returned our call and informed me that he did not recall telling me that he would send the new papers. I explained to him that I am 80 years old, a former Examiner, had practiced patent law 42 years, and never had an Examiner to let me down. His reply was that there was nothing he nor his new Boss could do. So now, it appears that this "Petition to Revive" is the only choice we have to retrieve and

reinstate this unintentionally and inadvertent abandonment of the allowed application.

We will not charge the Inventor a dime for the several weeks of frustration and loss of sleep this situation has caused, for the fault does not lay at the inventor's and I do feel that we acted prudently, timely, and respectfully, based on our conversations with Examiner Brown.

Under the circumstances I cannot conjure up any compelling reason why I should not have followed my original but incorrect procedure, for in hindsight this would have avoided the present terrible problem. However we definitely were instructed by Examiner Brown not to amend the issue papers, and not to mail the present issue papers, because new papers would have to be mailed to us. We thought We were doing the Examiner a courtesy in not calling undue attention to his overlooked allowed claim numbers, and that he would come up with a timely solution to the probable typographical error. Even though JoAnn and I try to be very cautious of everything we mail to the Patent Office, but even so, both of us also overlooked the error until only a short time before the issue fee was due. We are willing to do whatever is necessary to save this Inventor's patent application and

eventually his issued U.S. Letters Patent.

Every paper and fee required to issue this patent application is enclosed herein, exactly as it was when it was when it was ready to mail to the Patent Office twelve days prior to the issue fee due date. The number of allowed claims need correcting to reflect allowed Claims 1-13, instead of as listed in the Notice of Allowance papers. More than adequate funds for the Issue Fee were in our deposit account during all the time that the signed issue papers were being purposely held here in West Texas, in accordance with our understanding of Examiner Brown's verbal instructions.

The Honorable Comissioner of Patents is respectfully requested to render a decision that this delay is an "Inadvertent and Unintentional" delay caused by circumstances clearly beyond everyone's control, for everyone involved herein appears to have tried to act equably. Unfortunately, I no longer hear as well as desired, and for this reason my wife, secretary, JoAnn, sometimes does most of the telephone listening and passes the information on to me so we all understand what is being agreed upon, on the rare occasions we telephone an Examiner. People my age sometime do not have perfect recall. However, it is respectfully pointed out that

only a short time ago, I passed my flight physical exam, so I am an active private pilot and not as senile as many unfortunates my age.

Favorable consideration and acceptance of this Petition to Reinstate the inadvertently and unintentally abandoned patent application is respectfully requested by causing the enclosed exhibit #1 to be corrected and filed while the unexpected and unintentional interlude is somehow eradicated, excused, or canceled.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A \$400.00 Deposit Account Order (in duplicate) is enclosed to cover the cost of this Petition.

Also enclosed is a second Deposit Account Order in the

amount of \$1,000.00 to cover the issue and printing fees.

Review and approval of this Petition to Revive is respectfully requested.

Respectfully submitted,

Marcus L Bates

Marcus L. Bates Registration No. 22579 Agent for Applicant

MLB/jab

Phone: 432-563-2885

#### Enclosed:

I. The issue papers that were prepared and made ready for mailing to the USPTO 12 days prior to the due date. Included are \$400.00 Deposit Account Order for "Petition" fee and \$1,900 Deposit Account Order for Issue Fee.

m KO 6-25-67

Exhibit II. Original Notes taken by JoAnn Bates and Marcus Bates during conversations with Examiner Brown on 2 occasions.

## **END OF AFFIDAVIT**

Nevember 2, 1950	DEPAREMENT OF COMMERCE PATENT OFFICE UNT ORDER FORM	read the impor	G THIS ORDER FORM trans information on the overse side
MAIL TO: Commissioner of Patents.		FOR O	MICE USE ONLY
Washington, D.C. 20231	MAY 25, 2007	ITEM OR SERVICE	VALUE PURNISHED ACTION OFF, Use
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YOUR ORDER NO.

MARCUS L. BATES

\$ 9007 SOUTH COUNTY ROAD 1315

CITY, STATE. ZIP CONDESSA, TEXAS 79766



JAMES D. MAHAN

OUR FILE NO. 903

[petition.jab]

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/609,155 Confirmation No. 7877

Applicant : JAMES D. MAHAN

Filed : JUNE 26, 2003

For

: MASSAGE TABLE FOR ADJUSTING SPINAL AREA

Examiner : MICHAEL A. BROWN Art Unit: 3772

Customer No :

# 

## PETITION TO REVIVE INADVERTENT AND UNINTENTIONAL

#### ABANDONED APPLICATION

UNDER 37 CFR 1.137(B) PTO/Sb/64

RESPONSE TO THE "NOTICE OF ABANDONMENT" DATED APRIL 26, 2007 (RECEIVED MAY 4, 2007)

Mail Stop: PETITION Commissioner of Patents

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

Affidavit of JoAnn Bates in re Petition to Revive

#### HONORABLE SIR:

JUNE 26, 2007

Now comes JoAnn Bates, your Petitioner, who does declare that she is the wife (for past 54 years) and personal secretary and office manager (for past 42 years) of Marcus L. Bates, the practitioner who prepared, and prosecuted the above identified patent application which is the subject of this Petition.

That on February 28, 2007, the Issue Papers were prepared, [Exhibit #1, copy attached hereto], 12 days before the issue fee due date of March 12, 2007.

That prior to driving to the the Post Office in Odessa, Texas, to "Express Mail" the required Issue papers and Deposit Account Order for payment of the Issue fee of \$1,000 to the Honorable Commissioner of Patents, Marcus L. Bates, Agent of Record, discovered that a typographical error, or oversight by the Patent Office, had neglected to include allowed Claims 10, 11, 12 and 13 in the Notice of Allowance and Issue Fee Due papers.

After Marcus Bates and I discussed the several possible steps he could take, he concluded to select one of the following available actions:

1. Since the Issue Papers were prepared for mailing, along with all the additional papers required, he could have simply

mailed everything, and included a letter to the Honorable Commissioner of Patents, stating that the Examiner had also allowed Claims 10 - 13 and that all 13 allowed claims should be included in the Issued Letters Patent, instead of only the indicated Claims 1 through 9, as improperly noted on the Issue Papers.

- 2. Alternatively, another choice was to simply "red ink correct" the issue papers, changing the incorrect number of allowed Claims from 1 9 to allowed Claims 1 13, and additionally place a statement to the Honorable Commissioner in the issue papers, setting forth the reason for such an unusual correction, for after all this fact was on record and beyond question.
- 3. Another possible step he could select was to telephone Examiner Michael Brown, and take advantage of his wisdom. This is the cure he elected to pursue for several reasons, among which were: The Examiner would likely cure the dilemma by Examiner's Amendment; or possibly be able to come up with guidance superior to to Marcus' limited choices.

Accordingly, on February 28, 2007, Marcus telephoned Examiner Brown.

Examiner Brown was unavailable, so Marcus telephoned Examiner Brown's Superior, Mr. Gergory Hudon, and explained the

problem; whereupon Mr Hudon informed Marcus that he was no longer in Examiner Brown's division but that he would personally hand carry the message to Examiner Brown. Marcus might have discussed the time constraint involved with Examiner Hudon. However, neither Marcus nor I remember that specific aspect of the conversation.

Sometime later, Ex Brown returned the call. Marcus discussed each of the above possible solutions with Examiner Brown, and was told:

- (1) that he could not carry out Marcus' suggested cure of the dilemma by "Examiner's Amendment";
- (2) that Marcus should NOT ink correct the issue papers;
- (3) that it would be necessary for the Exaaminer to send "new, corrected papers" to Marcus.

Therefore, we were confident that sooner or later a new, corrected office action and issue papers would arrive in our mail. We often are as much as 10 days or more receiving mail from the U.S. Patent Office, so we both realized that the lost motion involved would likely require several weeks, but with Marcus' understanding that new papers were on the way he would of necessity be granted additional time for response, along with a newly dated Notice of Allowance and Issue Fee Due Papers, both providing a new due dates.

Instead, like a bolt of lightening from nowhere, a "Notice of Abandonment" (DATED APRIL 26, 07) arrived in the mail on MAY 5th, almost nine weeks after Marcus' conversation with Examiner Brown. We both were shocked, but upon further consideration of the situation, it was almost to be expected, because a corrected Notice of Allowance and Issue Fee Due papers surely would arrive in due course, so we could relax and complete the task of getting the papers completed. It is true that an Examiner in the US Patent Office had never let Marcus down during our many years of patent law practice, and perhaps prosecuting close to 1,000 patent applications filed, most of which have issued as a U.S. Letters Patent.

Marcus immediately telephoned Examiner Brown and was unable to get in touch with him, so he left a message, requesting Examiner Brown return the call as soon as possible. Examiner Brown returned the call and informed Marcus that he did not recall telling Marcus that he would send the new issue papers. Marcus explained to Examiner Brown that he was 80 years old, a former Examiner, had practiced patent law in Odessa, Texas, for more than 42 years, and never had an Examiner to let him down. Examiner Brown' reply was that there was nothing he nor his new Boss could do. So now, it appears that this "Petition to Revive" the inadvertent and unintended abandonment of the allowed application

is the only choice available to retrieve and reinstate this patent application.

We will not charge the Inventor a dime for the several weeks of frustration and much loss of sleep this situation has caused, for the fault does not lay at the inventors feet, and I do feel that Marcus acted prudently, timely, and respectfully, based on Marcus' and my conversations with Examiner Brown.

I do recall one conversation with Examiner Brown during which I specifically informed him that the issue fee was due on March 12, 2007.

Under the circumstances Marcus cannot conjure up any compelling reason why he should not have followed his own original, but incorrect procedure, other than he was definitely instructed by Examiner Brown, ie: not to amend the issue papers, and not to mail the present issue papers to the Patent Office, because new papers would have to be mailed to him. Marcus thought we were doing the Examiner a courtesy in not calling undue attention to his overlooked allowed claim numbers, and that the Examiner would come up with a timely solution to the probable typographical error.

Marcus and I try to be very cautious of everything mailed to or from the Patent Office, but even so, both of us also overlooked the error until only a short time before the issue fee

was due. Marcus and I are willing to do whatever is necessary to save this Inventor's patent application and eventually his issued U.S. Letters Patent.

Every paper and fee required to issue this patent application is enclosed herewith (Exhibit Number 1), exactly as it was when it was ready to mail to the Patent Office 12 days prior to the issue fee due date. The number of allowed claims need correcting to reflect allowed Claims 1-13, instead of as listed in the Notice of Allowance papers.

More than adequate funds for the Issue Fee were in our Deposit Account during all the time that the signed issue papers were being purposely held here in West Texas, in accordance with our understanding of Examiner Brown's verbal instructions.

This unwanted situation is an "Inadvertent and Unintentional" delay caused by circumstances clearly beyond everyone's control, for everyone involved herein appears to have tried to act equably. Unfortunately, Marcus no longer hears as well as desired, and for that reason I sometimes do some of the telephone talking and/or listening and immediately pass the Examiner's information on to Marcus, during the conversation, so that we all understand what is being agreed upon, and then one of us again talks to the Examiner on the rare occasions Marcus telephones an Examiner. Also, some people Marcus' age sometime do

not have perfect recall, therefore we try to make notes as the conversation continues.

However, it is respectfully pointed out that only a short time ago, Marcus passed his flight physical exam, and is an active private pilot, and not as senile as many unfortunates his age.

Acceptance, Favorable consideration and approval of this Petition to Reinstate the Inadvertent and Unintentally Abandoned Patent Application is respectfully requested, by causing the enclosed Notice of Allowance (exhibit #1) to be accepted and corrected and filed while the unexpected and unintentional interlude is somehow excused, or canceled.

A \$400.00 Deposit Account Order (in duplicate) is enclosed to cover the cost of this Petition.

Also enclosed is a second Deposit Account Order in the amount of \$1,400.00 to cover the issue and printing fees.

Review and approval of this Petition to Revive is respectfully requested.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Joann Bates Wife and secretary To Marcus L. Bates Registration No. 22579

Agent for Applicant

JAB/jab

Phone: 432-563-2885

#### Enclosed:

Exhibit I. \$400.00 Deposit Account Order (in duplicate) for "Petition" fee: and \$1,400 Deposit Account Order for Issue Fee;

Exhibit II. Copy Notes taken during conversations with Examiner Brown on 2 occasions;

END OF AFFIDAVIT of JoAnn Bates

Jo Onn Sofee 06-26-07

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Alexandria, Virginia or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed whe appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address; indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (c) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (c) indicating a separate "FEE ADDRESS" for the current correspondence address; and/or (c) indicating a separate "FEE ADDRESS" for the current current correspondence address; and/or (c) indicating a separate "FEE ADDRESS" for the current cur CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of addiess Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanyin papers. Each additional paper, such as an assignment or formal drawing, municipal transmission.

SMAIL: EDD 764 7590 12/12/2006 Certificate of Mailing or Transmission MARCUS L. BATES I hereby certify that this Fee(s) Transmittal is being deposited with the Unite States Postal Service with sufficient postage for first class mail in an envelor addressed to the Mail Stop ISSUE FEE address above, or being facsimil transmitted to the USPTO (571) 273-2885, on the date indicated below. 9007 SOUTH COUNTRY ROAD 1315 **ODESSA, TX 79766** BATES REG. #22,579 Mrs. Marcus Bates (Depositor's name 9007 S County Road 1315 Odessa, TX 79766-8718 (Signature March June 26 2007 (Date APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/609,155 06/26/2003 James D. Mahan #903 7877 TITLE OF INVENTION: MASSAGE TABLE FOR ADJUSTING SPINAL AREA 07/02/2007 SFELEKE2 00000028 021265 10609155 01 FC:2501 02 FC:1504 700.00 DA 300.00 DA APPLN, TYPE SMALL ENTITY **ISSUE FEE DUE PUBLICATION FEE DUE** PREV. PAID ISSUE FEE TOTAL FEE(S) DUE **DATE DUE** nonprovisional YES \$700 \$300 \$0 \$1000 03/12/2007 + 440 **EXAMINER ART UNIT CLASS-SUBCLASS BROWN, MICHAEL A** 3772 601-049000 Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys IMARCUS L. BATES Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. or agents OR, alternatively, (2) the name of a single firm (having as a member a Tree Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment. (A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY) 4a. The following fee(s) are submitted: 4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) Deposit Issue Fee A check is enclosed. Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached. Advance Order - # of Copies The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 02 1265 (enclose an extra copy of this form). 5. Change in Entity Status (from status indicated above) a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.

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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/609,155 06/26/2003 James D. Mahan #903 7877

TITLE OF INVENTION: MASSAGE TABLE FOR ADJUSTING SPINAL AREA

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

MARCUS L. BATES

Authorized Signature

Typed or printed name\_

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BROWN,	MICHAEL A	3772	601-049000	•		
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Approved for use through 07/31/2008. OMB 0851-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Inder the Paperwork Redu are required to respond t tion of information unless it displays a valid OMB control number. Application Number 10/609,155 TRANSMITTAL Filing Date JUNE 26, 2003 **FORM** First Named Inventor JAMES D. MAHAN Art Unit 3772 **Examiner Name** MICHAEL A. BROWN (to be used for all correspondence after initial filling) **Attorney Docket Number** 903 NO. Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) X After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board X Fee Attached = fee Deposit Acct Order Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Х Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final **Proprietary Information Provisional Application** Power of Attorney, Revocation X Affidavits/declaration(s) Change of Correspondence Address Status Letter deposit acct.order Other Enclosure(s) (please Identify **Extension of Time Request** Terminal Disclaimer below): Express Abandonment Request Request for Refund CD. Number of CD(s) Information Disclosure Statement Landscape Table on CD **Certified Copy of Priority** Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1:53

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
Firm Name	MARCUS L. BATES, PATENT LAW PRA					
Signature	Marcus & Balla		Mr. Marcus Bates			
Printed name	MARCUS L. BATES		9007 S County Road 1: Odessa, TX 79766-87	315 <b>-</b>		
Date	MAY 26, 2007 JUNE 26, 2007	Reg. No.	22-579			

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March June 26,	2007		(Date

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,155	06/26/2003	James D. Mahan	#903	7077

TITLE OF INVENTION: MASSAGE TABLE FOR ADJUSTING SPINAL AREA

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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(	Application Number	10/609,155					
TRANSMITTAL	Filing Date	JUNE 26, 2003					
FORM	First Named Inventor	JAMES D. MAHAN					
	Art Unit	3772					
(to be used for all correspondence after initial t	Examiner Name	MICHAEL A. BROWN					
Total Number of Pages in This Submission	Attorney Docket Number	NO. 903					
	ENCLOSURES (Check all I						
X Fee Transmittel Form	ENCLUSURES (Check all )	After Allowance Communication to TC					
Fee Transmittal Form	Drawing(s)	Cities Anowalice Communication to 1C					
X Fee Attached = fee Deposit Acct Order	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences					
Amendment/Reply	X Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)					
After Final	Petition to Convert to a Provisional Application	Proprietary Information					
X Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Ad	·					
+ deposit acct.order Extension of Time Request	Terminal Disclaimer	Other Enclosure(s) (please identify					
		below):					
Express Abandonment Request	Request for Refund						
Information Disclosure Statement	CD. Number of CD(s)						
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Certified Copy of Priority Document(s)	Remarks						
Reply to Missing Parts/							
Incomplete Application Reply to Missing Parts							
under 37 CFR 1.52 or 1.53							
SIGNAT Firm Name	URE OF APPLICANT, ATTOR	NEY, OR AGENT					
	ES, PATENT LAW PRACTIO	TF.					
Signature Wascen of	PAX						
Printed name	66(2)						
MARCUS L. BAT							
MAY 26, 2007	JUNE 26, 2007 Re	g. No. 22-579					
CERTIFICATE OF ED 997 990 764 US							
I hereby certify that this correspondence is bei	ing facsimile transmitted to the USPTO	/3/L					
THE WELL STIVETI DELOW.		Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on					
Signature	us L. Bates	TIME 26 2005					
		JUNE 26, 2007					
Typed or printed name MARCUS I	L. BATES	Date MAY 26, 2007					

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JAMES Mahan #

June 21, 2006 Lesponse L

Cls. 1-13 allowed Notice of allowance papers 
Int office action rendered the 1-13 allowable when amenda vever-Notice of = andecater of cls 1- grallowed Should have been cls 1-13 - all the clair allowed. Brown. - Phone 571-272-4972 or Boss Gregory Huson - 571-272-4887 unana may 3-5-Received - Notice of Othorrown Date de Trail 211.

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Leb. 28, 2007 - Telecer To Examener Michael

Morch 01,00 Deleason VSPTO Yesterday, Falkel Supervisor Ef Mr Gregory Hooon Huson Who said he would go see pro Osman & Tell him problem - he would send new - paper of restar time. Allean Hodg My Brown Who Grief all of the will sund up another

- pages so all of Ok. The Typo

was regretted & all cls 1-13 allowed.

MIB JAB

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- 1. visailed response to office action \_\_\_\_ Elected to prosecute claime 13-413 personer filed 7-21-06
- 2. Rec Notice of allowance = fee due March 12, 2007 Claime 9-14 US 1-9 allowed = papere dated
- 3. in preparing issue for papers, discovered that the issue papers noted only claime 1-9 as 13. being allowed should have been being allowed.
- 4. Called Ex Brown No answer Let. 28, 2007
  Called Ex Brown's Supervisor Let. 28-2007

  He said No longer Brown's supervisor but he would hand
  corry info to Mr. Brown message: only cle 1-9 on = paper

  should be cle 1-13:
- 5. Et Brown retwrned Call, long discussion-MLB auggested Red inkin correct cl. #5. Ex B said do Not do that.

  ecouse the would send new papers correcting error. Specifically Noted to Ex Brown that = fee was due march 12 th 2007. Ex Brown accounted m2B that he would get corrected papers out as soon as Possible. They arrived on well past the = fee due dall.
  - 6. Received "Notice of absendonment" doted april 26th on or about may 5, 2007.
  - 7. Called Et Brown May 22,2007- & ask what we can do about receipt & n g A. very unhappy. ask what we can do Now. Said he could do Nothing. Suggested "Petition to. Revive". but he would consult with his Inew Supervisor & let us know.
  - 8. Called Ex Brown's New supervisor unavoidable left message to return our coll. She did Not!

May 22, 2007 Mohan

Telecon to Examener Brown. re;

Notice of Abrahament - dated april 26, 2007

Notice of Abrahament - dated april 26, 2007

Mr. Brown said he did not those power to

Mr. Brown said he did not those power to

Extend = fee due date - & that he would talk

Extend = fee due date - & that he would talk

to Ris superior (a lady) 17 to see what can be

to Ris superior (a lady) 17 to see what can be

done. Will Call born Tuesday - May, einer

Monday is a heliday

Wed. May 30, 2007 Star 571.

Keisel. 571.272.4929

2492.7

May 30,07
Released to USPTO Ex Brown in re Harden
Parage Problem 4: paper

1. We parpoind = paper of when ready to mail discovered that all of the = els had not been included in the : paper

2. Delecon to Ex Brown:

Ceshed Ex B to incl all = clo by Ex Cemo

he said not prescible.

asked Ex Brown to perint me to have

correct = popular by morely changing the

number 4 = clo - by said no.

Ef Brown said new = profes Wood be necessary - we understood be would sent new = popus.

Lukag Waggo, 07 Et Krown Das not an. his phone- brax Harron en leace. Calle the Keisel (recording). No organi, called ion 1-800-870-9199 - line bring + 5:00 DC Time. Cos ogni & got "Solveine" X2 P

New

Ex Brown's/ Superior Boss

571-272-4940

Patrita Biaenco-

1 4002, 012 Ingolded Notice of alrandon mont xemene Muchail Brown Brown - phone 571-272-4972 22 Boss Chagus Hussu - 571-272-4887 indicates and 1-9 allowed 2. However - a mdrester over 1- godfores 1) lat office action underected class 1-13 alloweld when amon Showed have been cla 1-13-all their 24.28, 2007 - Tilsen 78 & may 3-5- Kecaive 2 -With of aslowance, perform 11. 1-13 allowed



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Commissioner for Patents

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	7590 12/12	clock 1 for any change of address)	IUN 2 6 2007	papers. Each additions have its own certificate	al paper, su e of mailing	ich as an assignment or transmission.	r domestic mailings of the companying of the companying or formal drawing, mu
MARCUS L. E 100/79 <del>002</del> SOUTH C ODESSA, TX 7	OUNTRY ROAD	1315	C MARSHAM SECTION	hereby certify that the states Postal Service valdressed to the Mai ransmitted to the USP	nis Fee(s) T with sufficient 1 Stop ISS TO (571) 2	ransmittal is being ent postage for firs UE FEE address 173-2885, on the de	deposited with the Unite t class mail in an envelop above, or being facsimi ate indicated below.
7	Sys		Ĺ				(Depositor's name
				****			(Signature
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APPLICATION NO.	FILING DATE		FIRST NAMED INVENT	OR	ATTORNE	Y DOCKET NO.	CONFIRMATION NO.
10/609,155	06/26/2003		James D. Mahan	**************************************	· · · · · · · · · · · · · · · · · · ·	#903	7877·
TITLE OF INVENTION	: MASSAGE TABLE F	OR ADJUSTING SPINA	L AREA				
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DU	E PREV. PAID ISSU	B FEE T	OTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0		\$1000	03/12/2007
EXAM	INER	ART UNIT	CLASS-SUBCLASS	$\neg$	G	460	
BROWN, M	ICHAEL A	3772	601-049000		ø	1400	
1. Change of corresponde CFR 1.363).	nce address or indication	n of "Fee Address" (37	2. For printing on the	e patent front page, lis	st		
	ondence address (or Cha V122) attached.	nge of Correspondence	(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,				
"Fee Address" indi	cation (or "Fee Address 2 or more recent) attach	" Indication form	(2) the name of a single min (naving as a member a				
3. ASSIGNEE NAME A							
PLEASE NOTE: Unic	ess an assignee is identi in 37 CFR 3.11. Comm	ified below, no assignee pletion of this form is NO	data will appear on the	patent. If an assign	ee is identi	fied below, the do	cument has been filed fo
(A) NAME OF ASSIC			(B) RESIDENCE: (CI				
Please check the appropri	ate assignee category or	categories (will not be pr	rinted on the patent):	☐ Individual ☐ Co	rporation o	r other private grou	p entity Governmen
4a. The following fee(s) a	re submitted:	41	Payment of Fee(s): (Pl	ease first reapply an	y previous	ity paid issue fee si	nown above)
	o small entity discount p	ermitted)	☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached.				
Advance Order - # of Copies			The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number <u>021265</u> (enclose an extra copy of this form)				
5. Change in Entity Stat	us (from status indicated	l above)	overpayment to De	posit Account Numbe	102/2	6.5 (enclose an	extra copy of this form).
a. Applicant claims	SMALL ENTITY statu	s. See 37 CFR 1.27.	☐ b. Applicant is no le	onger claiming SMAL	L ENTITY	status. See 37 CF	R 1.27(g)(2).
NOTE: The Issue Fee and interest as shown by the re	Publication Fee (if requeecords of the United State	uired) will not be accepted tes Patent and Trademark	d from anyone other than Office.	the applicant; a regi	stered attorn	ney or agent; or the	assignee or other party is
		X Butes		ı	_	ر ۶	
Typed or printed name	MARCU	S L BA	TES	Registration N	o. <u>a</u> :	25-79	

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MARCUS L. I	7590 12/1: BATES OUNTRY ROAD 1	2/2006	JUN 2 6 2007	apers. Each additions ave its own certificate Cel hereby certify that	al paper, e of mai rtificate his Fee(s	such as an assignment of the state of the st	or domestic mailings of the for any other accompany ont or formal drawing, must or formal drawing, must or formal drawing, must or formal drawing deposited with the Unit of the class mail in an enveloabove, or being facsimulate indicated below.
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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO	OR .	ATTOR	NEY DOCKET NO.	CONFIRMATION NO.
10/609,155	06/26/2003		James D. Mahan	-		#903	7877
TITLE OF INVENTION	MASSAGE TABLE F	OK ADJUSTING SPINA	L AREA				
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DU	PREV. PAID ISSUI	E FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	<b>-</b>	+ 400	03/12/2007
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I. Change of corresponde CFR 1.363).  Change of correspondence of	ondence address (or Cha V122) attached.	nge of Correspondence	2. For printing on the (1) the names of up or agents OR, alterna (2) the name of a sin	to 3 registered patentively,	t attorne	. 2	S L. BATES
PTO/SB/47; Rev 03-03 Number is required.	cation (or "Fee Address' 2 or more recent) attach	ed. Use of a Customer	registered attorney of 2 registered patent at listed, no name will b	ragent) and the name corners or agents. If t	e of un	to	
3. ASSIGNEE NAME AT	ND RESIDENCE DATA	TO BE PRINTED ON	THE PATENT (print or t	vne)			
PLEASE NOTE: Unic recordation as set forth (A) NAME OF ASSIG	ess an assignee is identi in 37 CFR 3.11. Comp	fied below, no assignee eletion of this form is NO	data will appear on the T a substitute for filing a (B) RESIDENCE: (CIT	patent. If an assigned	e is ide	ntified below, the do	ocument has been filed fo
Please check the appropri	ate assignee category or	categories (will not be pr	inted on the patent):	Individual 🗆 Co	rporatio	n or other private gro	up entity Governmen
☐ Advance Order - #	o small entity discount p of Copies	ermitted)	D. Payment of Fec(s): (Ple A check is enclosed. Payment by credit co The Director is herel overpayment, to Dep	urd. Form PTO-2038	is attach	ned	hown above) iciency, or credit any extra copy of this form).
5. Change in Entity State  a. Applicant claims	RS (from status indicated SMALL ENTITY statu		_				
NOTE: The Issue Fee and	Publication Fee (if requ	ired) will not be accented	b. Applicant is no lo	nger claiming SMAL the applicant: a regis	L ENTI	TY status. See 37 CF.	R 1.27(g)(2).
NOTE: The Issue Fee and interest as shown by the re		^	Office.			agent, or the	accigned or other party is
Authorized Signature	Warcus:	f bety		Date JUNE	26,	2 <b>96</b> 7	

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(		pondence after initial	filling)	Attorney Docket Number	<del> </del>	
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				JU	JNE 26, 2007	(Date
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO	R	ATTORNEY DOCKET NO	. CONFIRMATION NO.
10/609,155	06/26/2003		James D. Mahan	<del></del>	#903	7877
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nonprovisional	YES	\$700	\$300	\$0	\$1000	03/12/2007
EXAMIN	VER	ART UNIT	CLASS-SUBCLASS	7		
BROWN, MIC	CHAEL A	3772	601-049000	•••		
1. Change of corresponden CFR 1.363).  Change of correspon Address form PTO/SB/  "Fee Address" indic PTO/SB/47; Rev 03-02 Number is required.	ndence address (or Char 122) attached. ation (or "Fee Address"	nge of Correspondence	2. For printing on the (1) the names of up t or agents OR, alternat (2) the name of a sing registered attorney or 2 registered patent attained, no name will be	o 3 registered paten ively, gle firm (having as a agent) and the nam- orneys or agents. If	member a 2es of up to	CUS L. BATES
3. ASSIGNEE NAME AN PLEASE NOTE: Unles recordation as set forth (A) NAME OF ASSIGN	ss an assignee is identi in 37 CFR 3.11. Comp	fied below, no assignee		patent. If an assign		e document has been filed fo
Please check the appropriat	te assignee category or	categories (will not be pr	rinted on the patent) :	Individual Co	rporation or other private	group entity Governmen
4a. The following fec(s) and XX Issue Fee XXX Publication Fee (No Advance Order - # of	small entity discount p	ermitted)	A check is enclosed.  Payment by credit ca	rd. Form PTO-2038	is attached.  ge the required fec(s), any of 2 - 1265 (enclos	dee shown above)  deficiency, or credit any e an extra copy of this form).
5. Change in Entity Statu XX a. Applicant claims S	SMALL ENTITY statu	l above) s. See 37 CFR 1.27.	☐ b. Applicant is no lor	nger claiming SMAL	L ENTITY status. See 37	CFR 1.27(g)(2).
interest as shown by the rec	cords of the United Stat	es Patent and Trademark	Office.	uic applicant; a regi	sucreu autorney or agent; o	r the assignee or other party in
Authorized Signature	7.7	*****	······	Date JUN	E 26, 2007	
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